

HIGH COURT OF UTTARANCHAL AT NAINITAL

**Writ Petition No. 1975 (M/S) of 2001
(Old No. 31064 of 2000)**

U.P. State Road Transport Corporation,
Through its Regional Manager, Dehradun. Petitioner

Versus

1. Raghubir Singh S/o Sohan Singh,
Barruk NO. 2/6, Prem Nagar, Dehradun.
2. Presiding Officer, Labour Court, Dehradun.

.....Respondents

Dated 2.8.2006

Hon'ble Rajesh Tandon, J.

Heard counsel for the both the Parties.

By the present writ petition, the petitioner has prayed for quashing the order dated 29.2.2000, passed by the respondent No. 2. The petitioner has further prayed for a writ of mandamus commanding the respondent No. 2 not to give effect to the order dated 29.2.2000 in Misc. case No. 80 of 1999 under Section 33 (e) (2) of the Industrial Dispute Act. A perusal of the order dated 29.2.2000 shows that the Labour court has granted the payment towards the gratuity amount due to the respondent.

Counsel for the petitioner has submitted that the jurisdiction to grant gratuity is available under the payment of gratuity Act, and therefore the order is without jurisdiction.

Since the amount has been admitted to be payable to the respondent No. 2, no interference can be made under article 226/227 of the Constitution of India.

Writ petition is dismissed. No order as to costs.

Dated: 2.8.2006

Rajesh Tandon, J.